

ORDINANCE NO. 94-35

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 PALM BEACH COUNTY COMPREHENSIVE PLAN ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE 2010 FUTURE LAND USE ATLAS SERIES OF THE LAND USE ELEMENT; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES OF PALM BEACH COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan and has initiated amendments to the Future Land Use Atlas of the Comprehensive Plan, in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, property owners have initiated amendments to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on May 23, June 10, June 13, June 17 and June 24, 1994, to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 18 and July 21, 1994 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners

1 authorized transmittal of proposed amendments to the Department of
2 Community Affairs for review and comment pursuant to Chapter 163,
3 Part II, Florida Statutes; and

4 WHEREAS, Palm Beach County received by facimille on October
5 28, 1994, the Department of Community Affairs "Objections,
6 Recommendations, and Comments Report" dated October 28, 1994, which
7 was the Department's written review of the proposed Comprehensive
8 Plan amendments; and

9 WHEREAS, on December 16, 1994, the Palm Beach County Local
10 Planning Agency held a public meeting to review the written
11 comments submitted by the Department of Community Affairs, the
12 Planning Division's response to the written comments, and to make
13 recommendations regarding adoption of the Comprehensive Plan
14 amendments; and

15 WHEREAS, on December 20, 1994, the Palm Beach County Board of
16 County Commissioners held a public hearing to review the written
17 comments submitted by the Department of Community Affairs and to
18 consider adoption of the amendments; and

19 WHEREAS, the Palm Beach County Board of County Commissioners
20 has determined that the amendments as modified satisfy the concerns
21 addressed in the Department of Community Affairs' "Objections,
22 Recommendations and Comments Report" and comply with all
23 requirements of the Local Government Comprehensive Planning and
24 Land Development Regulations Act.

25 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
26 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

27 Part I. Amendments to the Future Land Use Atlas of the Land
28 Use Element of the 1989 Comprehensive Plan

29 Amendments to the Land Use Element's Future Land Use Atlas of
30 the Palm Beach County 1989 Comprehensive Plan, are hereby adopted
31 and are attached to this Ordinance in Exhibit 1.

1 A. Future Land Use Atlas page 110 is amended as follows:
2 Application No.: 94-110 COM 1
3 Amendment: From 9.26 acres of Medium
4 Residential 5 (MR-5) to 1.90 acres
5 of Commercial Low-Intensity with an
6 underlying Medium Residential 5
7 (CL/5) and 7.36 acres of Commercial
8 Low - Office with an underlying
9 Medium Residential 5 (CL-O/5) and
10 with a notation on the Future Land
11 Use Atlas page 110, that ingress and
12 egress to the property from Glades
13 Road be limited to the CL-O/2
14 portion of the property and
15 prohibited from the CL/2 portion of
16 the property.
17 General Location: North side of Glades Road about
18 1,600 feet west of Lyons Road.
19 Size: 9.26 acres.
20 B. Future Land Use Atlas page 64 is amended as follows:
21 Application No.: 94-64 COM 1
22 Amendment: From 7.36 acres of Low Residential 1
23 (LR-1) to Commercial Low-Intensity
24 with an underlying Low Residential 1
25 (CL/1) and with a notation on Future
26 Land Use Atlas page 64, that a
27 covenant be recorded providing for a
28 100 foot buffer on the western
29 boundary of the property if it is
30 developed as commercial.
31 General Location: West side of Jog Road and south of
32 Southern Boulevard.

1 Size: 7.63 acres

2 C. Future Land Use Atlas page 76 is amended as follows: .

3 Application No.: 93-76 COM 1

4 Amendment: From 11.50 acres of Low Residential
5 2 (LR-2) to Commercial Low-Intensity
6 with an underlying Low Residential 2
7 (CL/2).

8 General Location: Northeast corner of the intersection
9 of Lake Worth Road and Lyons Road.

10 Size: 11.50 acres

11 Part II. Repeal of Laws in Conflict

12 All local laws and ordinances applying to the unincorporated
13 area of Palm Beach County in conflict with any provision of this
14 ordinance are hereby repealed to the extent of such conflict.

15 Part III. Severability

16 If any section, paragraph, sentence, clause, phrase, or word
17 of this Ordinance is for any reason held by the Court to be
18 unconstitutional, inoperative or void, such holding shall not
19 affect the remainder of this Ordinance.

20 Part IV. Inclusion in the Code of Laws and Ordinances

21 The provision of this Ordinance shall become and be made a
22 part of the code of laws and ordinances of Palm Beach County,
23 Florida. The Sections of the Ordinance may be renumbered or
24 relettered to accomplish such, and the word "ordinance" may be
25 changed to "section," "article," or any other appropriate word.

26 Part V. Effective Date

27 The effective date of this plan amendment shall be the date a
28 final order is issued by the Department of Community Affairs or
29 Administration Commission finding the amendment in compliance in
30 accordance with Section 163.3184, Florida Statutes, whichever
31 occurs earlier. No development orders, development permits, or
32 land uses dependent on this amendment may be issued or commence

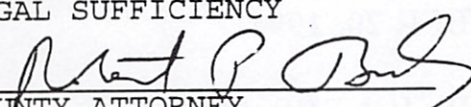
1 before it has become effective. If a final order of noncompliance
2 is issued by the Administration Commission, this amendment may
3 nevertheless be made effective by adoption of a resolution
4 affirming its effective status, a copy of which resolutions shall
5 be sent to the Department of Community Affairs, Bureau of Local
6 Planning, 2740 Centerview Drive, Tallahassee, Florida 32399-2100.

7 **APPROVED AND ADOPTED** by the Board of County Commissioners of
8 Palm Beach County, on the 20 day of December, 1994.

9 PALM BEACH COUNTY, FLORIDA,
10 BY ITS BOARD OF COUNTY COMMISSIONERS

11 By 
12 Chair

13 APPROVED AS TO FORM AND
14 LEGAL SUFFICIENCY

15 
16 COUNTY ATTORNEY

17 Acknowledgement by the Department of State of the State of
18 Florida, on this, the 30th day of December,
19 1994.

20 Acknowledgement from the Department of State received on the
21 3rd day of January, 1995, at 9:39 A.M. and
22 filed in the Office of the Clerk of the Board of County
23 Commissioners of Palm Beach County, Florida.

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EXHIBIT 1
TO ORDINANCE NO 94 -
AMENDMENTS PERTAINING TO THE
FUTURE LAND USE ATLAS



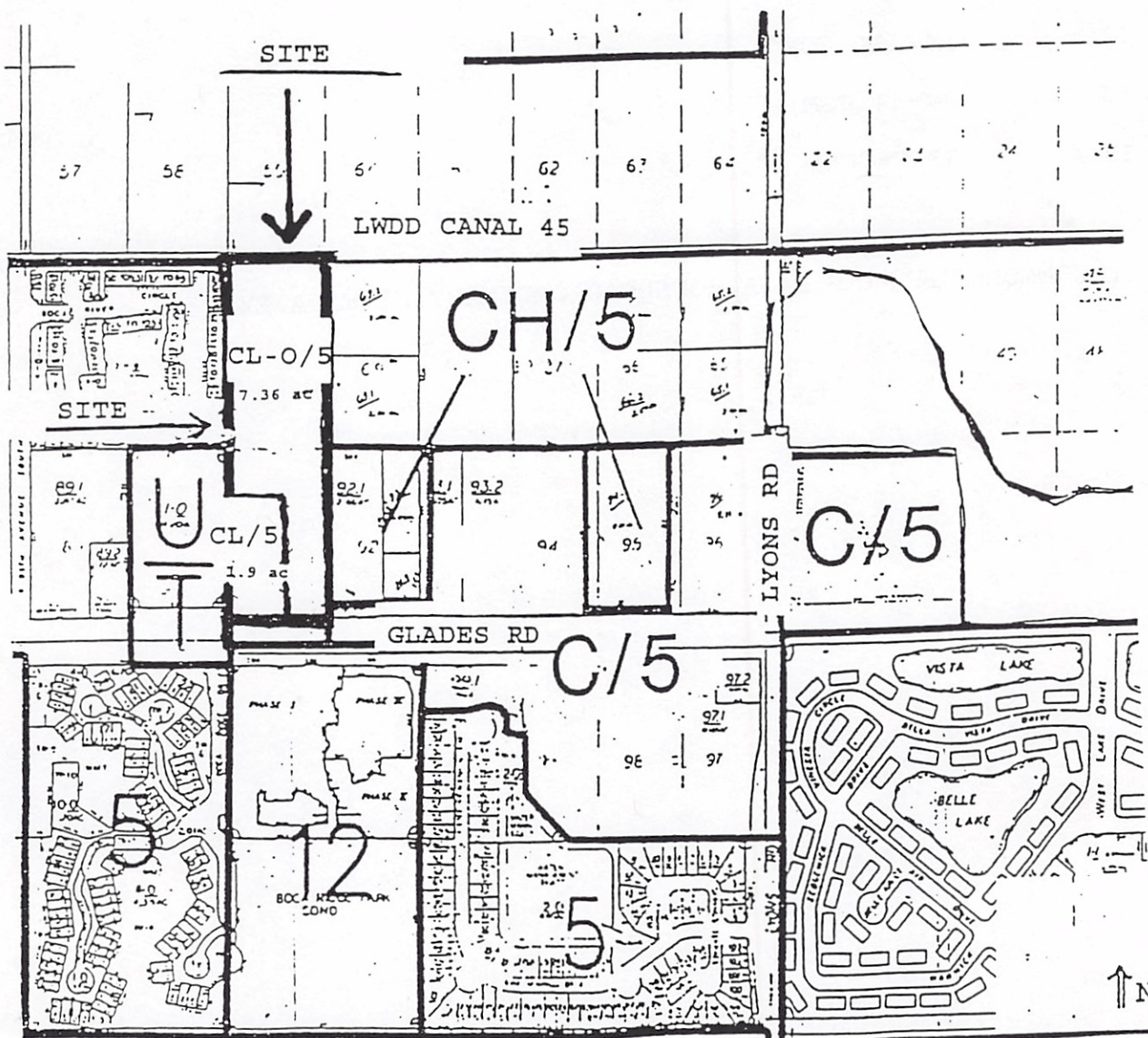
FOR THE DECEMBER 20, 1994
BOARD OF COUNTY COMMISSIONERS ADOPTION
PUBLIC HEARING

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I:\COMMON\PLANNING\DATA\ROUND942\ORDINANC.ES\FLUA.EX1

94-110 COM 1: TO 1.90 ACRES OF COMMERCIAL LOW-INTENSITY WITH AN UNDERLYING MEDIUM RESIDENTIAL 5 (CL/5) AND 7.36 ACRES OF COMMERCIAL LOW OFFICE WITH AN UNDERLYING MEDIUM RESIDENTIAL 5 (CL-O/5).



- * ADD FOLLOWING F.L.U.A. NOTATION: INGRESS AND EGRESS TO THE SITE FROM GLADES ROAD SHALL BE LIMITED TO THE CL-O/2 PORTION OF THE SITE AND PROHIBITED FROM THE CL/2 PORTION OF THE SITE

THE FOLLOWING DESCRIBED PORTION OF THE SUBJECT PROPERTY SHALL BE DESIGNATED "COMMERCIAL LOW-OFFICE" (CL-O):

Tract 70, less the north 39.6 feet, and Tract 91, less the south 65 feet, Block 77, PALM BEACH FARMS COMPANY PLAT No. 3, according to the plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 2, Page 45 to 54 inclusive, all of the above less the following described parcel:

Commence at the Southwest corner of aforesaid Tract 91; thence North 00 02' 47" West, an assumed bearing, along the West line of said Tract 91, 65.00 feet to a point of intersection with the North right-of-way line of State Road 808 (aka. Glades Road), said point being the point of beginning of the herein described parcel; thence continue North 00 02' 47" West, 413.23 feet to a point; thence North 89 57' 40" East 200.00 feet to a point; thence South 00 02' 47" East, along a line and parallel to and 200 feet East of the West line of aforesaid Tract 91, 413.23 feet to a point of intersection with the aforesaid North right-of-way line of State Road 808; thence South 89 57' 40" West, 200.00 feet to a point of intersection with the West line of said Tract 91, said point being also the point of Beginning: subject to a 20 foot utility easement along the West line thereof.

Above described property containing 7.3103 acres.

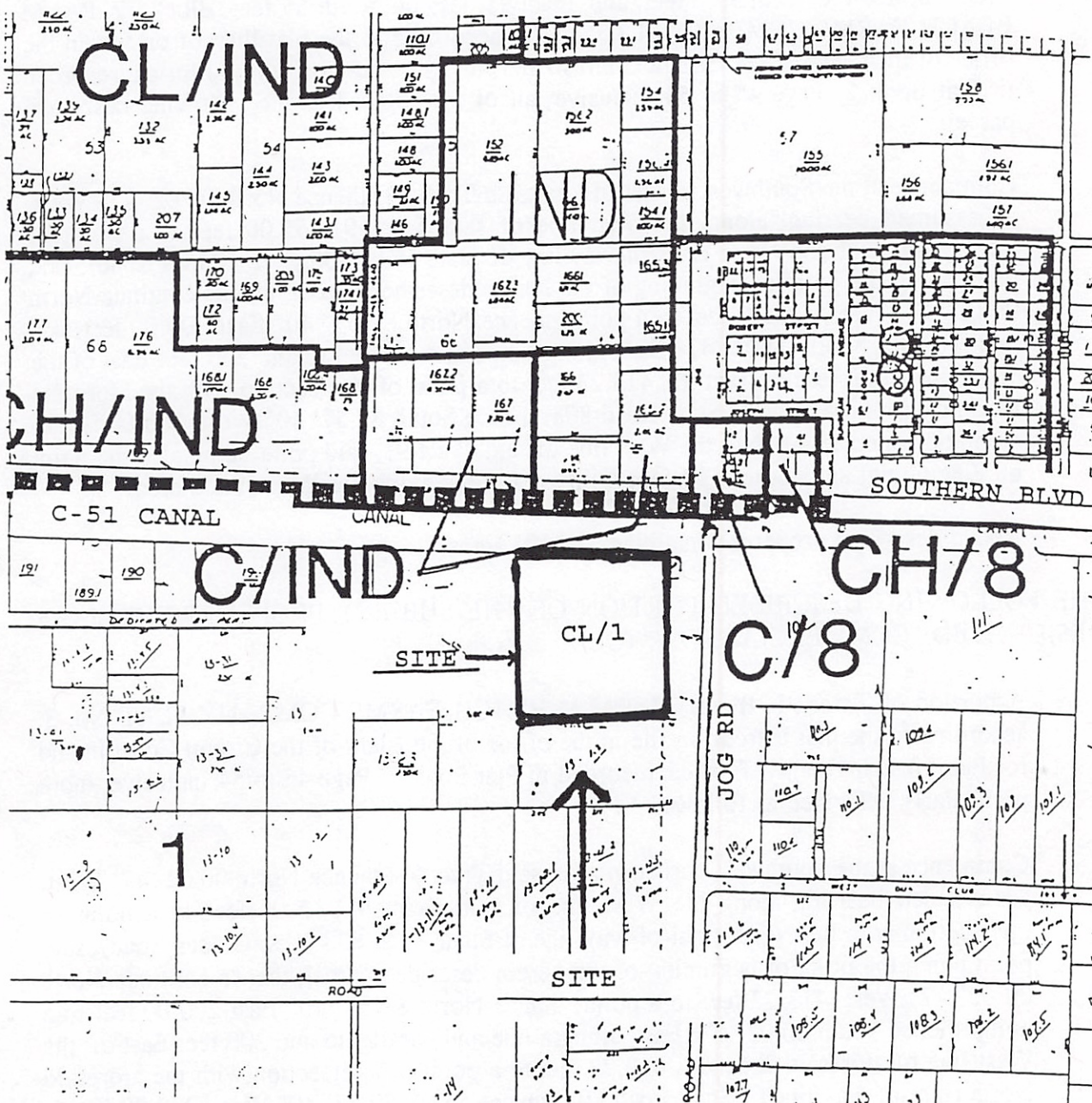
THE FOLLOWING DESCRIBED PORTION OF THE SUBJECT PROPERTY SHALL BE DESIGNATED "COMMERCIAL LOW" (CL):

A portion of Tract 91, Block 77, PALM BEACH FARMS COMPANY PLAT No. 3, according to the plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 2, Page 45 to 54 inclusive, more particularly described as follows:

Commence at the Southwest corner of aforesaid Tract 91; thence North 00 02' 47" West, an assumed bearing, along the West line of said Tract 91, 65.00 feet to a point of intersection with the North right-of-way line of State Road 808 (aka. Glades Road), said point being the point of beginning of the herein described parcel; thence continue North 00 02' 47" West, 413.23 feet to a point; thence North 89 57' 40" East 200.00 feet to a point; thence South 00 02' 47" East, along a line and parallel to and 200 feet East of the West line of aforesaid Tract 91, 413.23 feet to a point of intersection with the aforesaid North right-of-way line of State Road 808; thence South 89 57' 40" West, 200.00 feet to a point of intersection with the West line of said Tract 91, said point being also the point of Beginning: subject to a 20 foot utility easement along the West line thereof.

Above described property containing 1.8973 acres.

94-64 COM 1: TO 7.36 ACRES OF COMMERCIAL LOW-INTENSITY WITH AN UNDERLYING LOW RESIDENTIAL 1 (CL/1).

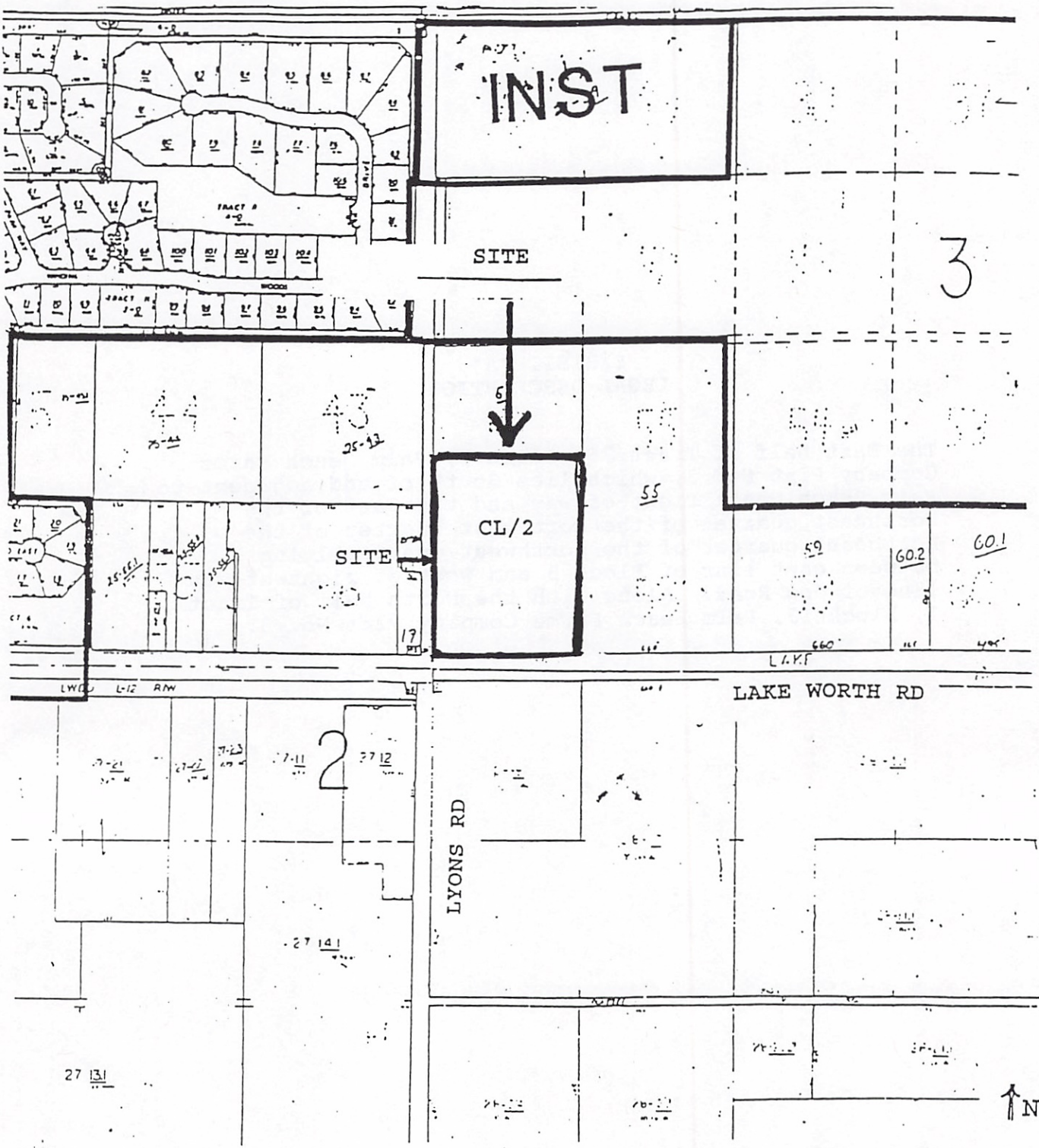


* ADD FOLLOWING NOTATION TO F.L.U.A. PAGE 64: A COVENANT SHALL BE RECORDED PROVIDING FOR A 100-FOOT BUFFER ON THE WESTERN BOUNDARY OF THE PROPERTY IF IT IS DEVELOPED AS COMMERCIAL

EXHIBIT "A"
LEGAL DESCRIPTION

The East half of Tract 76, Block 5, Palm Beach Farms Company Plat No. 3, which lies South of and adjacent to Palm Beach Canal right-of-way and the part of the Northeast quarter of the Northeast quarter of the Northeast quarter of the northwest quarter lying between east line of Block 5 and west of right-of-way line of Jog Road. Along with the North half of Tract 1, Block 13, Palm Beach Farms Company Plat No. 3.

93-76 COM 1: 11.50 ACRES OF COMMERCIAL LOW-INTENSITY WITH AN UNDERLYING LOW RESIDENTIAL 2 (CL/2).



LEGAL DESCRIPTION: Palm Beach Farms Co. Plat. No. 3 TR 57
(Less NLY 60 Ft SR 802 RD R/W & 39.94 FT Lyons RD R/W), BLK
24,

Together with

The SLY 200.00 FT of Palm Beach Farms Co. Plat No. 3 TR 56
(Less WLY 36.27 FT Lyons RD R/W), BLK 24.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on 12/20/94
DATED at West Palm Beach, FL on 1/5/95
DOROTHY H. WILKEN, Clerk
By: Thyllis A. Houston D.C.